

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

04 CR 10135 GAO

) CRIMINAL NO.

)
v.)
)

VIOLATIONS:

(1) THOMAS SCOLA,) 21 U.S.C. § 846 -
(2) FEDERICO NIVAR,) Conspiracy to Possess with Intent
(3) JILL DOUCETTE,) to Distribute, and to Distribute,
) Heroin

DEFENDANTS.)

) 21 U.S.C. 841(a)(1) -
) Possession With Intent To
) Distribute and Distribution of
) Heroin

) 18 U.S.C § 2 -
) Aiding and Abetting

) 21 U.S.C. § 853 -
) Criminal Forfeiture Allegation

INDICTMENT

COUNT ONE: (21 U.S.C. § 846 - Conspiracy to Possess with
Intent to Distribute, and to Distribute, Heroin)

The Grand Jury charges that:

Beginning on an unknown date but at least by in or about
December 2003 and continuing thereafter until on or about April
7, 2004, at Gloucester, Reading, Peabody, Wakefield and elsewhere
in the District of Massachusetts,

1. THOMAS SCOLA,
2. FEDERICO NIVAR, and
3. JILL DOUCETTE,

defendants herein, did knowingly and intentionally combine,
conspire, confederate, and agree with each other, and with other

persons unknown to the Grand Jury, to distribute, and to possess with intent to distribute, heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

The conspiracy charged herein involved 100 grams or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance. Accordingly, 21 U.S.C. § 841(b)(1)(B)(i) is applicable to this count.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO: (21 U.S.C. §841(a)(1)- Possession with Intent to Distribute, and Distribution of, Heroin)

The Grand Jury further charges that:

On or about December 18, 2003, at Gloucester, in the District of Massachusetts,

1. THOMAS SCOLA,

defendant herein, did knowingly and intentionally distribute, and possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT THREE: (21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute, and Distribution of, Heroin; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about January 8, 2004, at Reading, in the District of Massachusetts,

1. THOMAS SCOLA, and
2. FEDERICO NIVAR,

defendants herein, did knowingly and intentionally distribute, and possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FOUR: (21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute, and Distribution of, Heroin; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about January 21, 2004, at Reading, in the District of Massachusetts,

1. THOMAS SCOLA, and
2. FEDERICO NIVAR,

defendants herein, did knowingly and intentionally distribute, and possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FIVE: (21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute, and Distribution of, Heroin; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about January 27, 2004, at Reading, in the District of Massachusetts,

1. THOMAS SCOLA, and
2. FEDERICO NIVAR,

defendants herein, did knowingly and intentionally distribute, and possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT SIX: (21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute, and Distribution of, Heroin; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about February 3, 2004, at Peabody, in the District of Massachusetts,

1. THOMAS SCOLA, and
2. FEDERICO NIVAR,

defendants herein, did knowingly and intentionally distribute, and possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT SEVEN: (21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute, and Distribution of, Heroin; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about February 10, 2004, at Reading, in the District of Massachusetts,

1. THOMAS SCOLA,
2. FEDERICO NIVAR, and
3. JILL DOUCETTE,

defendants herein, did knowingly and intentionally distribute, and possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT EIGHT: (21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute, and Distribution of, Heroin; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about February 18, 2004, at Reading, in the District of Massachusetts,

1. THOMAS SCOLA, and
2. FEDERICO NIVAR,

defendants herein, did knowingly and intentionally distribute, and possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT NINE: (21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute, and Distribution of, Heroin; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about February 25, 2004, at Reading, in the District of Massachusetts,

1. THOMAS SCOLA, and
2. FEDERICO NIVAR,

defendants herein, did knowingly and intentionally distribute, and possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT TEN: (21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute, and Distribution of, Heroin; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about March 4, 2004, at Reading, in the District of Massachusetts,

1. THOMAS SCOLA, and
2. FEDERICO NIVAR,

defendants herein, did knowingly and intentionally distribute, and possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT ELEVEN: (21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute, and Distribution of, Heroin; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about March 10, 2004, at Reading, in the District of Massachusetts,

1. THOMAS SCOLA,
2. FEDERICO NIVAR,

defendants herein, did knowingly and intentionally distribute, and possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT TWELVE: (21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute, and Distribution of, Heroin; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about March 18, 2004, at Reading, in the District of Massachusetts,

1. THOMAS SCOLA,
2. FEDERICO NIVAR, and
3. JILL DOUCETTE

defendants herein, did knowingly and intentionally distribute, and possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT THIRTEEN: (21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute, and Distribution of, Heroin; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about March 24, 2004, at Reading, in the District of Massachusetts,

1. THOMAS SCOLA,
2. FEDERICO NIVAR, and
3. JILL DOUCETTE,

defendants herein, did knowingly and intentionally distribute, and possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FOURTEEN: (21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute, and Distribution of, Heroin; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about March 30, 2004, at Reading, in the District of Massachusetts,

1. THOMAS SCOLA,
2. FEDERICO NIVAR, and
3. JILL DOUCETTE

defendants herein, did knowingly and intentionally distribute, and possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FIFTEEN: (21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute Heroin)

The Grand Jury further charges that:

On or about April 7, 2004, at Wakefield, in the District of Massachusetts,

1. FEDERICO NIVAR

defendant therein, did knowingly and intentionally possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21 United States Code, Section 841(a)(1).

COUNT SIXTEEN: (21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute Heroin)

The Grand Jury further charges that:

On or about April 7, 2004, at Lawrence, in the District of Massachusetts,

1. FEDERICO NIVAR

defendant therein, did knowingly and intentionally possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21 United States Code, Section 841(a)(1).

FORFEITURE ALLEGATION: (21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts 1 through 16 of this Indictment,

1. THOMAS SCOLA,
2. FEDERICO NIVAR, and
3. JILL DOUCETTE,

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations.

2. If any of the property described in paragraph 1, above, as a result of any act or omission of the defendants -

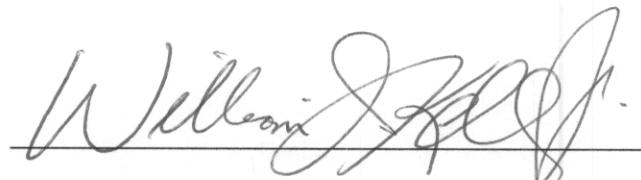
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property

described in paragraph 1.

All in violation of Title 21, United States Code, Section 853.

A TRUE BILL



FOREPERSON OF THE GRAND JURY

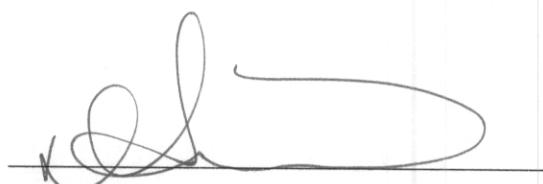


DAVID G. TOBIN

Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS; April 29, 2004.

Returned into the District Court by the Grand Jurors and
filed.



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